

FAS

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

2008 JUL -7 PM 12:28

UNITED STATES OF AMERICA,

Plaintiff,

v.

Ernesto SEVILLA**AKA: Ernesto Zamora SEVILLA**

Defendant.

08 MJ 2059

Magistrate Case No. _____

KNH


COMPLAINT FOR VIOLATION OF

Title 8, U.S.C., Section
1324(a)(2)(B)(iii)-
Bringing in Illegal Alien(s)
Without Presentation

The undersigned complainant being duly sworn states:

On or about **July 6, 2008**, within the Southern District of California, defendant, **Ernesto SEVILLA AKA: Ernesto Zamora SEVILLA** with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that an alien, namely, **Josefina LARA-Cruz**, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said alien, and upon arrival did not bring and present said alien immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


SIGNATURE OF COMPLAINANT
Sara Esparagoza, United States Customs
and Border Protection Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **7th** DAY OF
JULY, 2008.


UNITED STATES MAGISTRATE JUDGE

FAS

PROBABLE CAUSE STATEMENT


The complainant states that **Josefina LARA-Cruz** is a citizen of a country other than the United States; that said alien has admitted she is deportable; that her testimony is material, that it is impracticable to secure her attendance at the trial thereof by subpoena; and she is a material witness in relation to this criminal charge and should be held or admitted to bail as prescribed in Title 18, United States Code, Section 3144.

On July 6, 2008 at about 0057 hours **Ernesto SEVILLA AKA: Ernesto Zamora SEVILLA (Defendant)** applied for admission into the United States at the San Ysidro Port of Entry as the driver of a green 1993 Toyota Corolla. Defendant applied for entry through lane number five, which is a designated Dedicated Commuter Lane (DCL) and used by travelers enrolled in the Secure Electronic Network for Travelers Rapid Inspection (SENTRI) program. Defendant is not a participant of such program and is not authorized to use the DCL upon entering the United States. Defendant gave a negative Customs declaration to a Customs and Border Protection (CBP) Officer and stated he was going to Chula Vista, California. The CBP Officer informed Defendant he was not authorized to use the DCL/SENTRI lane and referred him to secondary for further inspection.

In secondary, Defendant stated to a CBP Officer that he did not know about the DCL/SENTRI program. The CBP Officer subsequently conducted an inspection of the vehicle and noticed a person concealed in what appeared to be a non-factory dashboard compartment. The CBP Officer secured Defendant and escorted him to the security office. CBP Enforcement Officers then assisted the concealed individual from exiting the compartment. CBP Officer had to move the front passenger seat and part of the glove box in order to remove the individual from the compartment. The concealed individual was determined to be a citizen of Mexico without legal documents to enter the United States and is now identified as **Josefina LARA-Cruz (MW)**.

During a videotaped proceeding, Defendant was advised of his Miranda Rights. Defendant acknowledged his rights and elected to answer questions without an attorney present. Defendant admitted knowledge of the concealed alien. Defendant admitted seeing the undocumented female enter the vehicle used in the smuggling act while he waited in a separate vehicle. Defendant admitted he was to await a call from an unknown man with instructions on where to deliver the vehicle. Defendant admitted he was to receive \$600.00 (USD) for the smuggling act.

During a videotaped interview, MW admitted she is a citizen of Mexico without legal documents to enter or reside in the United States. MW stated she was going to Los Angeles, California to seek employment. MW stated she did not know how much she was to pay to be smuggled into the United States.


SIGNATURE OF COMPLAINANT
Sara Esparagoza, United States Customs
and Border Protection Enforcement Officer


UNITED STATES MAGISTRATE JUDGE